

IT IS ORDERED as set forth below:

Date: February 25, 2016

Paul W. Bonapfel
U.S. Bankruptcy Court Judge

Poul W Bongfes

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

IN RE:	) CHAPTER 7
HP/SUPERIOR, INC.,	) CASE NO. 14-71797-PWB
Debtor.	) ) )

#### **CONSENT ORDER**

THIS MATTER is before the Court on a *Motion for Allowance and Payment of Administrative Expense Claim* [Doc. No. 184] (the "Motion") filed by CSE Mortgage LLC ("CSE"), which came on for hearing on February 23, 2016 at 10:00 a.m. (the "Hearing") after due and proper notice. The Chapter 7 trustee of this bankruptcy estate and the Chapter 7 trustee for the bankruptcy estate of Superior Healthcare Investors, Inc. ("SHI") having consented to entry of this order and no other party in interest having appeared at the Hearing in opposition to the Motion and no other opposition or response to the Motion having been filed, IT IS HEREBY

**ORDERED** that the Motion is GRANTED as set forth below. It is further

**ORDERED** that the bankruptcy estate of SHI (Chapter 7 Case No. 15-50439-PWB) shall have an allowed Chapter 11 administrative expense claim for post-petition, pre-rejection rent, totaling \$429,778.80, plus post-petition real property taxes in the amount of \$34,201.03. It is further

**ORDERED** that the foregoing Chapter 11 administrative expense claim of the SHI bankruptcy estate shall be subordinate to all Chapter 7 administrative expenses of this bankruptcy estate and will be paid pro rata with all other Chapter 11 administrative expense claims. It is further

**ORDERED** that any and all funds disbursed in this case in payment of the foregoing allowed Chapter 11 administrative expense claim of the SHI bankruptcy estate shall be paid directly to the Chapter 7 trustee for the bankruptcy estate of SHI. It is further

**ORDERED** that CSE's interest in the funds, if any, to be disbursed on account of the foregoing Chapter 11 administrative expense claim (as a secured creditor, assignee of the underlying lease, or otherwise) shall be reserved for later determination by the Court in SHI's bankruptcy case (Case No. 15-50439-PWB). It is further

**ORDERED** that this Court shall retain jurisdiction over any and all matters arising from or related to the interpretation and implementation of this Order.

##END OF ORDER##

#### Prepared and presented by:

#### /s/ Kevin A. Stine

Kevin A. Stine
Georgia Bar No. 682588
Madeleine G. Kvalheim
Georgia Bar No. 131496
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Suite 1600, Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, Georgia 30326
Telephone: (404) 577-6000

Fax: (404) 238-9607

Email: Kstine@bakerdonelson.com Email: Mkvalheim@bakerdonelson.com Counsel for CSE Mortgage, LLC

#### Consented to by:

# ARNALL GOLDEN GREGORY LLP Counsel for Chapter 7 Trustee

/s/ Michael J. Bargar WITH EXPRESS PERMISSION Michael J. Bargar Georgia Bar. No. 645709 michael.bargar@agg.com 171 17th Street, N.W., Suite 2100 Atlanta, GA 30363-1031

Telephone: (404) 873-7030 Fax: (404)873-7031

## Consented to by:

C. L. SCARVER & ASSOCIATES, LLC Counsel for Chapter 7 Trustee of SHI

### /s/ Cathy L. Scarver

WITH EXPRESS PERMISSION Cathy L. Scarver Georgia Bar. No. 628455 clsallc@bellsouth.net P.O. Box 672587 Marietta, GA 30006

Telephone: (404) 551-5142

Fax: (404) 806-9652

#### **DISTRIBUTION LIST**

Ashley Reynolds Ray, Esq. Scroggins & Williamson, P.C. 1500 Candler Building 127 Peachtree St., N.E. Atlanta, GA 30303

David S. Weidenbaum, Esq.
Office of the United States Trustee
362 Richard B. Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303

S. Gregory Hays Hays Financial Consulting, LLC Suite 200 3343 Peachtree Road, NE Atlanta, GA 30326-1420

Gus H. Small Cohen Pollock Merlin & Small Suite 1600 3350 Riverwood Parkway Atlanta, GA 30339-6401 G. Frank Nason, IV, Esq. Lamberth, Cifelli, Stokes, Ellis & Nason, P.A. 3343 Peachtree Road, N.E. East Tower, Suite 550 Atlanta, GA 30326-1009

Michael J. Bargar Arnall Golden Gregory, LLP Suite 2100 171 17th Street, NW Atlanta, GA 30363

F. Mark Bromley Wisconsin Dept. of Justice 17 West Main Street P. O. Box 7857 Madison, WI 53707-7857

HP/Superior, Inc. 5174 McGinnis Ferry Road Suite 195 Alpharetta, GA 30005

In addition, the Order should be served on all parties on the mailing matrix in this case.